

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

MARSHA LITTLE

PLAINTIFF

V.

CIVIL ACTION NO. 2:07CV044-P-A

**UHS OF PARKWOOD, INC.
D/B/A PARKWOOD BEHAVIORAL HEALTH SYSTEM,
ANDREW MAYO, AND BARRY VINICK**

DEFENDANTS

ORDER

This matter comes before the Court upon the U.S. Magistrate Judge's August 24, 2007 Report and Recommendation [58] that plaintiff counsel be suspended from the practice of law before the United States District Court for the Northern District of Mississippi for a definite period of time and that he be ordered to pay attorneys fees. After due consideration of the Report and counsels' statements during a hearing held on November 30, 2007, the court finds as follows, to-wit:

Although sound on its merits, the Court declines to adopt the U.S. Magistrate Judge's Report and Recommendation. During the hearing held this day, defendants' counsel averred that they do not seek attorney fees nor do they seek suspension of plaintiff counsel's law practice privileges. Plaintiff counsel averred that during the time in question he was suffering from a debilitating sickness of a bronchial nature that required him to spend time in a hospital and take heavy doses of medication. Plaintiff's counsel stated that he believed that the underlying case was essentially over, especially given the Agreed Final Judgment regarding Defendant Barry Vinick entered on August 22, 2007. Plaintiff counsel admitted, however, that he erred by not informing the Court of his sickness and failing to request an extension.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) The U.S. Magistrate Judge's August 24, 2007 Report and Recommendation [58] is **OVERRULED**;

(2) The Court admonishes plaintiff counsel that any further failures to comply with the Court's deadlines will result in suspension to practice before this Court for a time certain and if plaintiff counsel is unable to meet future deadlines, he must inform the Court of his circumstances and request an extension; therefore,

(3) Given that the plaintiff's claims have already been dismissed , this case is **CLOSED**.

SO ORDERED this the 30th day of November, A.D., 2007.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE